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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-67229-9/RFT/RMS/RMK

Anticipated Classification of this Application:

Class: Subclass:

Prior Application

Examiner:

Art Unit:

"EXPRESS MAIL" MAILING LABEL

NUMBER **EL 758642815 US**

DATE OF DEPOSIT **August 10, 2001**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POS OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME **Darryl Kriner**

SIGNED

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
- ☐ Continuation
- ☐ Divisional
- ☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Bassil I. Dahiyat (Los Angeles, CA); Jörg (Pasadena, CA); Klaus Fiebig (Frankfurt, Germany); Robert Hayes (Pasadena, CA)

(Names of ALL Applicants)

for **PROTEIN DESIGN AUTOMATION FOR PROTEIN LIBRARIES**

(Title of Invention)

This ☐ continuation ☐ divisional ☒ continuation-in-part

claims priority to pending application Serial No. 09/782,004, filed on February 12, 2001 which claims the benefit of 60/181,630 filed February 10, 2000 and 60/184,904 filed on March 3, 2000 and 60/197,851 filed on April 14, 2000 and is a continuation of 09/419,315 filed October 15, 1999 which claims the benefit of 60/158,700 filed October 8, 1999 and 60/104,612 filed October 16, 1998 is claimed under 35 U.S.C. 119/120.

1. (a) ☐ Enclosed is a new application.
- (b) ☒ Enclosed is a continuation-in-part application.
- (c) ☐ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
- (b) ☐ Enclosed is a copy of the prior Declaration as originally filed.
3. (a) ☒ Applicant claims Small Entity status under 37 CFR 1.27.
- (b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

| | (Col. 1) NO. FILED | (Col. 2) NO. EXTRA | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|---|-----------------------|-----------------------|--------------|--------------|----------------------------|--------------|
| | | | RATE | FEE | RATE | FEE |
| BASIC FEE | | | | \$355 | | \$710 |
| TOTAL CLAIMS | <u> </u> - 20 = | * | × 9 = | \$ | × 18 = | \$ |
| INDEP CLAIMS | <u> </u> - 3 = | * | × 40 = | \$ | × 80 = | \$ |
| MULTIPLE DEPENDENT CLAIM PRESENTED | <u> </u> yes | | +135 = | \$ | +270 = | \$ |
| If the difference in Col 1 is less than zero, enter "0" in Col. 2 | | | TOTAL | \$ | TOTAL | \$ |

5. ☒ The Commissioner is hereby NOT authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. _____).
6. ☐ Our check in the amount of \$ _____ is enclosed.
☒ The filing fee is NOT being submitted with this transmittal letter.
7. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
8. ☐ Amend the specification by inserting before the first line the sentence:
--This is a _____ continuation _____ divisional _____ continuation-in-part
of application Serial No. _____ filed _____.--
9. (a) ☐ Informal drawings are enclosed.
(b) ☒ Formal drawings are enclosed, 7 (seven) sheets.
10. (a) ☒ Priority of application Serial No. 09/782,004 filed February 12, 2001 which claims the benefit of 60/181,630 filed February 10, 2000 and 60/184,904 filed on March 3, 2000 and 60/197,851 filed on April 14, 2000 and is a continuation of 09/419,315 filed October 15, 1999 which claims the benefit of 60/158,700 filed October 8, 1999 and 60/104,612 filed October 16, 1998 is claimed under 35 U.S.C. 119/120.
(b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. ☐ The prior application is assigned of record to _____

12. ☐ The power of attorney in the prior application is to:

Name: _____

Address: _____

- (a) ☐ The power appears in the original papers in the prior application.
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) ☐ A new power has been executed and is enclosed.
(d) ☒ Address all future communications to:

Robin M. Silva

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Four Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Tel.: (415) 781-1989

Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. _____ as originally filed on _____.

Date: 8/10/01

Signature: _____

Renee M. Kosslak, Reg No. 47,717 for
Robin M. Silva, Reg. No. 38,304

Address of Signer:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

4 Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Tel.: (415) 781-1989

Fax: (415) 398-3249

☐ Attorney or agent of record

☒ Filed under Section 1.34(a)